

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LUANN PARKER,

Plaintiff,

v.

AVENTIS S.A., et al.,

Defendants.

Case No. C-1-00-766

Judge Susan J. Dlott

**DEFENDANT AVENTIS PASTEUR INC.'S
UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE REPLY BRIEF
IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

*Denied
Defendant has an
extension of time only
to Nov 1, 2004.
Susan J. Dlott
10/05/04*

Defendant Aventis Pasteur Inc. ("Aventis" or "Defendant") respectfully moves the Court for an order granting it an extension of time to file its reply brief in support of its Motion for Summary Judgment for the reasons described below.

This is a product liability action in which Plaintiff, Luann Parker, has alleged that she was vaccinated with Defendant's FLUZONE influenza vaccine and subsequently suffered from a rare neurological disorder known as acute disseminated encephalomyelitis (ADEM). Aventis moved the Court for summary judgment on June 1, 2004 on the ground that Ms. Parker was not able to come forward with reliable expert testimony demonstrating that the FLUZONE vaccine is capable of causing ADEM, and in fact, caused Ms. Parker to suffer from ADEM.

After obtaining two extensions, with Defendant's consent, Ms. Parker responded to Aventis' Motion for Summary Judgment approximately 120 days after it was filed, on September 24, 2004. In her response, Ms. Parker attempts to manufacture a question of fact where none exists by relying upon the affidavit of an expert witness (Dr. Griesemer) that contradicts and expands upon testimony that he gave during a deposition taken prior to Defendant's moving for summary judgment.